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ABSTRACT

The document describes the field of paralegalism in terms of what tasks paralegals, or legal assistants, have performed. The contents are based on surveys (seven specifically identified), journals, internal memoranda, and personal contact through the staff of the National Paralegal Institute. Specific tasks performed by paralegals are listed in separate sections of the document dealing with the following areas of legal practice: Law Office Administration, Change of Name Law, Law of Children, Community Work, Consumer Law, Corporate Law, Criminal Law, Divorce Law, Draft Law, Education Law, Employment Law, Health Law, Immigration and Naturalization Law, Investigation, Landlord-Tenant Law, Litigation, Military Law, Motor Vehicle Law, Petroleum Land Law, Post-Conviction Remedies and Corrections Law, Real Estate Law, Tax Law, Tribal Courts, Trust and Estates Law, Unemployment Insurance Law, Welfare Law, and Workmen's Compensation Law. Each task is assigned a rating on a scale of three for the characteristics of: frequency (how commonly the task is being performed by paralegals in the country today), skill (how much skill is needed to perform the task), and supervision (how much lawyer supervision has been needed to assist the paralegal to perform the task). Appended is information on the parajudge and a 16-item selected bibliography. (Author/MS)

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# What Have Paralegals Done? : A Dictionary of Functions

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CE007345

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# Introduction:
# How To Use This Text

A great deal has been written about the paralegal.[1] There appears to be little or no let-up in the volume of literature that is being produced. The issues raised by these documents are extensive and far reaching. What is the future of the paralegal? Will the bar carve out a role for him? Is he engaged in the unauthorized or the authorized practice of law? How do you train the paralegal?

To be sure, such issues need to be dealt with. The problem, however, is that we run the risk of talking about these issues in a vacuum. It would be an understatement to say that paralegals are *already* making a significant impact on the way in which the public and private bar practice law. No one has yet attempted to chronicle the present activities of paralegals in the country today. Hence, many of us talk and think about paralegals as if they don't exist. We are well past the initial pilot-research stage of paralegalism. This is not to say that further study and research is not needed. It is rather to argue that such undertakings in the future should be grounded on what has already happened. "We ought not re-invent the wheel," as one prominent mid-western attorney recently put it.

This text is designed to describe where we are today in terms of what paralegals have done to date. Hopefully it will be of use not only to program developers who are getting into the field for the first time, but also to individuals already working with paralegals who might explore expanded roles for their paralegals if they had a better grasp of how others are using paralegals.

This text uses the term "paralegal," although it is clear that this is not a universally accepted term. Other terms include: legal assistant, legal paraprofessional, lay advocate, paralawyer, legal adjuncts, etc. "Paralegal" is a short-hand way to describe all the terms currently in use; its use in this text should in no way be interpreted as an endorsement of it as the definitive term.

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[1] For recent bibliographies in this field, see, for example, Yegge, Moore & Holme, New Careers in Law, Appendix III, "Rendering Legal Services: What Do Lawyers Do?" pp. A-55 to A-62 (1969); Statsky and Lang, The Legal Paraprofessional As Advocate and Assistant: Roles, Training Concepts and Materials, Apperdix B, "Annotated Bibliography on Legal Paraprofessionals," pp. 230-248 (1971) also published in A Compilation of Materials for Legal Assistants and Lay Advocates, Mary Ader, editor, National Clearinghouse for Legal Services (1971); American Bar Association Special Committee on Lay Assistants for Lawyers, San Francisco Pilot Project Report: Training for Legal Assistants, Appendix I, "Reference Bibliography," pp. 70-73, Preliminary Draft (1971); Brickman, "Legal Paraprofessionalism and its Implications: A Bibliography" 24 Vanderbilt Law Review 1213-1239 (1971); Yegge and Jarmel, American Bar Association Special Committee on Legal Assistants, New Careers in Law: II, Conference Report, "Bibliography," pp. 145-156 (June 1972).

*What is a paralegal? It is submitted that the energy required to try to pinpoint and sell a definition is wasted. Rather, the approach taken is to let the content of the text constitute the definition.*

Sources of information on the content of the following pages include: surveys, journals, internal memoranda and personal contact through the staff of the National Paralegal Institute. The surveys relied upon include:

1. Citizens Advisory Committee on Meramec Community College & Methods of Practice Committee of the Bar Association of St. Louis, Results of Survey of Questionnaire on Legal Technicians (1968).

2. Johnstone & Hopson, "Lawyers and Their Work: An Analysis of the Legal Profession in the United States and England (1967).

3. Los Angeles County Bar Association, Survey on Training and Employment of Legal Paraprofessionals (1971).

4. Ryan. "Large Law Firms," American Bar Association Special Committee on Legal Assistants, The Utilization of Legal Assistants by Law Firms in the United States: Liberating the Lawyer, pp. 53-68 (June, 1971).

5. Strong, "Small Law Firms," American Bar Association Special Committee on Legal Assistants, The Utilization of Legal Assistants by Law Firms in the United States: Liberating the Lawyer, pp. I-49 (June, 1971).

6. Yegge and Jarmel, "Report on a Survey of Paralegal Training in the United States," American Bar Association, Special Committee on Legal Assistants, New Careers in Law II, pp. 93-144 (June 1971)

7. Zeitz, Survey of Legal Service Offices, National Paralegal Institute (1972)

Some of these surveys do not go to the question of what paralegals are doing. As indicated by the titles, they cover topics such as who is doing training and who is likely to be employing paralegals. Such surveys have, however, provided leads to information on what paralegals are actually doing. There has never been a comprehensive survey covering this matter. Hence reliance had to be placed on other sources such as journals, memos and particularly personal contact.

The listings on the following pages cover paralegals working in private law areas as well as poverty law. The listings reflect the data that has come to the attention of the author; no representation is made that they cover every area of paralegal activity. The common denominator of all of the paralegals described is that they work for or closely in association with lawyers.

## Frequency, Skill, Supervision

At the far left hand corner of each of the following pages are three columns which will provide the reader with some information on each task listed. The three columns will be:

FIRST COLUMN: "Fr." (Frequency)

On a scale of three, this column will provide a rough estimation of how commonly the task is being performed by paralegals in the country today. The scale will be "1" "2" or "3" (or a fraction thereof):

"1": infrequently performed
"2": being performed a fair number of times
"3" being performed frequently

SECOND COLUMN: "Sk." (Skill)

On a scale of three, this column will provide a rough estimation of how much skill (e.g., organizational ability, reading comprehension, perserverence, etc.) the paralegal needs to perform this task. The scale will be "1" "2" or "3" (or a fraction thereof):

"1": does not require much skill to perform
"2": requires a moderate amount of skill to perform
"3": requires considerable skill to perform

THIRD COLUMN: "Su." (Supervision)

On a scale of three, this column will provide a rough estimation of how much lawyer supervision has been needed to assist the paralegal to perform the task listed. The scale will be "1" "2" or "3" (or a fraction thereof):

"1" requires very little supervision of paralegal to perform the task
"2" requires a moderate amount of supervision of paralegal to perform the task
"3" requires a considerable amount of supervision of the paralegal to perform the task

EXAMPLE:

| ITEM | Fr. | Sk. | Su. |
|---|---|---|---|
| A. Making a preliminary draft of a will..... | 1 | 3 | 3 |
| B. Serving papers in court on a divorce case. | 3 | 1 | 1 |

INTERPRETATION:

Paralegal seldom draft wills (1); they often serve papers (3). It takes considerable skill to draft a will (3); it takes very little skill to serve papers (1). A great deal of supervision is needed to assist a paralegal to make a preliminary draft of a will (3); it takes very little supervision on serving papers (1).

No effort is made in the following pages to evaluate the effectiveness of performance on any listed task. The only test of whether an item is included in the following pages has been: does any evidence exist that the paralegal is performing the task listed? Also, no effort is made to describe the training program (formal or on-the-job) that the paralegals went through to be able to perform the task.

| LAW OFFICE ADMINISTRATION | Fr. | Sk. | Su. |
|---|---|---|---|
| *I. Calendar Monitoring* | | | |
| 1. Maintain "tickler" system (e.g., court appearance dates, agency filings, process serving, etc.) | 3 | 2 | 2 |
| 2. Maintain individual's attorney's calendar | 3 | 1 | 1 |
| *II. Bookeeping/Accounting* | | | |
| 1. Client billing | 3 | 2 | 2 |
| 2. Staff time sheets | 3 | 2 | 1 |
| 3. Quarterly and final tax returns of the office | 2 | 3 | 2 |
| 4. Budget analysis | 2 | 3 | 3 |
| *III. Librarianship* | | | |
| 1. Monitor law library collection | 3 | 1 | 1 |
| 2. Keep library up to date through loose-leaf services | 3 | 2 | 1 |
| 3. Inform attorneys of developments in the law as picked up through the loose-leaf services | 3 | 2 | 2 |
| 4. Collect data, literature, citations from the library on a specific topic under instructions from an attorney | 2 | 3 | 3 |
| 5. Shepardize cases | 2 | 2 | 2 |
| 6. Index specified subjects (coordinating data from library, office files, etc.) | 3 | 2 | 2 |
| *IV. Office Equipment* | | | |
| Oversee the purchase, use and maintenance of MTST, xerox, dictophones, etc | 3 | 2 | 1 |
| *V. Training* | | | |
| Train office staff on the "business" components of the office, e.g., using office equipment, billings, time sheets, etc | 3 | 2 | 1 |
| *VI. Supervision* | | | |
| Supervise all non-lawyer personnel | 3 | 3 | 2 |
| *VII. Office Management* | | | |
| Assist in the design and implementation of office procedures via forms, checklists, systems, manpower allocation, etc | 1 | 3 | 3 |

1.2

| | Fr. | Sk. | Su. |
|---|---|---|---|
| *VIII. Reports* | | | |
| 1. Draft statistical reports, e.g., code data from intake and closeout sheets on every client..... | 2 | 2 | 2 |
| 2. Buget reports..... | 2 | 2 | 2 |
| 3. Draft proposals for funding..... | 1 | 3 | 3 |
| *IX. Liaison* | | | |
| 1. Board of Director and membership liasion, e.g. maintain membership roster of the corporation..... | 1 | 2 | 2 |
| 2. Correspond with Board of Directors in reference to meetings, etc..... | 1 | 2 | 2 |
| *X. Filing* | | | |
| Maintain, monitor, index, digest client files..... | 3 | 2 | 1 |

| CHANGE OF NAME LAW | Fr. | Sk. | Su. |
|---|---|---|---|
| *I. Preliminary Interview* | | | |
| 1. Explain to client the reasons for which the state will allow a change of name..... | 2 | 2 | 2 |
| 2. Explain the procedures for changing a name..... | 2 | 1 | 1 |
| 3. Outline some of the consequences of a change of name (e.g., effect on the names of prior children, problems in receiving inheritences from wills already in effect etc.)..... | 1 | 3 | 2 |
| *II. Record Gathering* | | | |
| Assist the client in obtaining necessary documents (e.g., certified birth certificate; criminal record, if any; judgments outstanding against client; consent forms etc.)..... | 3 | 2 | 1 |
| *III. Drafting* | | | |
| 1. Assist the client in filling out the application forms..... | 3 | 2 | 1 |
| 2. Make a preliminary draft of the pleadings required in contested and uncontested change of name court actions..... | 2 | 2 | 2 |
| *IV. Filing/Service* | | | |
| 1. File applications and pleadings in court..... | 3 | 1 | 1 |
| 2. Serve same on individuals and organizations required..... | 3 | 1 | 1 |

## *LAW OF CHILDREN (ADOPTION, CHILD ABUSE, CUSTODY, PARENTY, JUVENILE DELIQUENCY)*

| | Pr. | Sx. | Su. |
|---|---|---|---|
| *I. Problem Identification* | | | |
| A. Preliminary Interview | | | |
| 1. Determine eligibility for free legal services..... | 3 | 1 | 1 |
| 2. Identify non-legal problems for referral to other agencies..... | 3 | 1 | 1 |
| 3. Identify legal problems not involving children for referral to others in the office (if paralegal is handling only cases involving children that day)..... | 2 | 1 | 1 |
| 4. Open a case file or update it..... | 3 | 1 | 1 |
| 5. Using a basic fact sheet (or form), record the information collected during the interview..... | 3 | 2 | 1 |
| 6. Determine next appointment..... | 3 | 1 | 1 |
| 7. Instruct client on what she needs to do next, e.g., obtain medical and birth records, etc..... | 3 | 1 | 1 |
| 8. Arrange for client to see office attorney..... | 2 | 1 | 2 |
| B. Adoption | | | |
| 1. Adult (non-parent) wants to adopt child of spouse..... | 3 | 1 | 1 |
| 2. Parent or relative wants to contest the attempt of another adult to adopt the child..... | 2 | 1 | 1 |
| 3. Adult wants to know if a prior "adoption" was legal..... | 1 | 1 | 1 |
| 4. Adult wants to know if the child has been adopted by another adult (e.g., does not know if an attempt was ever made, but recalls some talk about it)..... | 1 | 1 | 1 |
| 5. Adoptee wishes to determine the identity of his/her natural parents..... | 2 | 1 | 1 |
| C. Custody | | | |
| 1. Explains difference between legal custody and adoption..... | 3 | 2 | 1 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| 2. Adult wants legal custody of child, but does not want to adopt | 2 | 1 | 1 |
| 3. Adult wants to contest the custody of child now under the control of another adult or institution | 2 | 1 | 1 |
| 4. Adult wants to know if any other adult or institution has legal custody | 2 | 1 | 1 |
| D. Child Abuse/Neglect | | | |
| 1. Parent/guardian has been served with a child abuse or neglect citation | 2 | 1 | 1 |
| 2. Parent/guardian wants to appeal an adjudication of neglect | 2 | 1 | 1 |
| 3. Adult wants to initiate a child abuse or neglect petition against the parent/guardian | 2 | 1 | 1 |
| E. Termination of Parental Rights | | | |
| 1. Parent is served with a termination petition and wants to defend | 1 | 1 | 1 |
| 2. Parent wants to appeal from a court-ordered termination of parental rights | 1 | 1 | 1 |
| F. Support | | | |
| One divorced parent wants the other to contribute some (or more) child support money due to a modification in the finicial circumstances of either | 1 | 1 | 1 |
| G. Paternity | | | |
| 1. Parent wants to declare paternity | 2 | 1 | 1 |
| 2. Parent wants to challenge an adult's denial of paternity | 2 | 1 | 1 |
| 3. Adult wants to challenge a claim of paternity against him | 1 | 1 | 1 |
| H. Juvenile Delinquency | | | |
| 1. Parent/guardian wants to institute delinquency petition against child in Juvenile or Family Court | 2 | 1 | 1 |
| 2. Parent wants to contest a delinquency petition brought against child in court by someone else, e.g., school, child welfare agancy | 2 | 1 | 1 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| 3. Child has been institutionalized under prior delinquency order and parent wants: | | | |
| a) better visitation rights..... | 3 | 1 | 1 |
| b) better rehabiliation programs at institition..... | 2 | 1 | 1 |
| c) child to come home more often..... | 2 | 1 | 1 |
| d) child to be discharged..... | 3 | 1 | 1 |
| *II. Problem Resolution* | | | |
| A. Consult with attorney Immediately (supervising attorney and paralegal will have determined in advance what cases/problems involving children go directly to the attorney) | | | |
| 1. Summarize facts for attorney..... | 2 | 1.5 | - |
| 2. Submit the case record to lawyer..... | 2 | 1 | - |
| 3. Obtain further instructions from attorney..... | 3 | 2 | - |
| B. Referral of Non-Legal Problems to other Agencies | | | |
| 1. Give name and address of agency to client..... | 3 | 1 | 1 |
| 2. Search for an appropriate agency..... | 2 | 2 | 1 |
| 3. Contact agency for client..... | 2 | 1 | 1 |
| 4. Take client to agency..... | 1 | 1 | 1 |
| C. Client Counselling | | | |
| Assist the client to identify and consider all of the factors involved (e.g., support capabilities, welfare options, health of child, health of adults involved, desires of child, consequences of institutionalization, etc. in order that the client will make an intelligent decision on what she wants..... | 2 | 2 | 2 |
| D. Time Determinations | | | |
| 1. Determine whether client has a set time in which to appear in court..... | 3 | 1 | 1 |
| 2. Determine whether client is already in default..... | 3 | 2 | 2 |
| E. Investigation | | | |
| 1. Search for and check official records, e.g., birth, death support, adoption, etc..... | 2 | 1 | 1 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| F. Informal Advocacy/Negotiation/Mediation | | | |
| 1. The paralegal calls the parties involved into his office to give them the opportunity to "talk it out" in an attempt to reach an informal resolution.... | 2 | 3 | 2 |
| 2. Contact (e.g., call, visit, write letters, etc.) the administrative agencies involved (e.g., child welfare bureau, probation dept.) in order to assess the possibilities of resolving the problems without court action..... | 3 | 3 | 2 |
| G. Preliminary Drafting | | | |
| 1. Adoption pleadings..... | 2 | 3 | 2 |
| 2. Custody petitions, answers to custody petitions..... | 2 | 3 | 2 |
| 3. Paternity petitions..... | 1 | 3 | 3 |
| 4. Child abuse/neglect petitions and answers..... | 2 | 3 | 2 |
| H. Placement | | | |
| Assist the client in obtaining placement information (e.g., foster care, private home, etc.) and in making a placement decision..... | 3 | 2 | 2 |
| I. Litigation | | | |
| 1. Act as court witness..... | .5 | 2 | 3 |
| 2. Act as general litigation assistant during court proceedings (e.g. monitor and index all files)..... | 2 | 2 | 2 |
| 3. Prepare interrogatories (or answers thereto)..... | 1 | 3 | 3 |
| 4. Digest depositions and write file profiles..... | 1 | 3 | 3 |
| 5. Legal research: shepardization and cite checking..... | 1 | 2 | 2 |
| 6. Legal research: memo and brief writing..... | .5 | 3 | 3 |
| III. Miscellaneous | | | |
| 1. Write community education pamphlets on child law issues..... | 1 | 3 | 3 |
| 2. Train other paralegals in the office system of handling child law cases..... | 1 | 3 | 2 |
| 3. Train attorneys in how the office handles child law cases..... | 1 | 3 | 2 |
| 4. Provide general assistance (e.g., training) to community groups orangized around child law issues..... | 1 | 3 | 2 |

## COMMUNITY WORK, GENERALLY

| | | Fr. | Sk. | Su. |
|---|---|---|---|---|
| *I.* | *Outreach* | | | |
| | 1. Bring to the attention of the community the fact that a legal service office exists; explain the services that it offers | 2 | 2 | 1 |
| | 2. Conduct survey of particular community to be aware of the concerns and problems that exist in that community | 1 | 2 | 1 |
| | 3. Conduct survey of area social agencies to be aware of the services offered | 2 | 2 | 1 |
| *II.* | *Education/Preventive Law* | | | |
| | 1. Write pamphlets understandable by the community on topics relating to the law, e.g., "Food Stamps," "How to Apply for Welfare," "Your Rights as a Tenant," etc | 2 | 3 | 3 |
| | 2. Speak to community groups on topics of legal education | 2 | 3 | 1 |
| | 3. Conduct training sessions for community groups | 1 | 3 | 2 |
| | 4. Evaluate the effectiveness of existing community education programs | 1 | 3 | 2 |
| *III.* | *Organization* | | | |
| | 1. Assist groups that are in the process of organizing | 2 | 2 | 1 |
| | 2. Encourage the organization of groups that will exist on a long term basis, e.g., consumer's union, tenants association, etc | 1 | 3 | 2 |
| | 3. Organize groups on a short-term basis, e.g., organize the tenants of a building who are going to bring a class action/receivership proceeding against the landlord | 2 | 3 | 2 |
| *IV.* | *Enforcement Follow-Up* | | | |
| | Contact clients who have been awarded court judgments, agency hearing decisions, compromise settlements, etc., to determine whether the client has in fact received the benefit of such judgments, decisions and settlements | 1 | 2 | 2 |

| CONSUMER LAW | Fr. | Sk. | Su. |
|---|---|---|---|
| *I. Problem Identification* | | | |
| A. Freliminary Interview | | | |
| 1. Determine eligibility for free legal services..... | 3 | 1 | 1 |
| 2. Identify non-legal problems for referral to other agencies..... | 3 | 1 | 1 |
| 3. Identify legal problems not involving consumers for referral to others in the office (if paralegal is handling only consumer law cases that day)..... | 2 | 1 | 1 |
| 4. Open a case file or update it..... | 3 | 1 | 1 |
| 5. Using a basic fact sheet (or form), record the information collected during the interview..... | 3 | 2 | 1 |
| 6. Determine next appointment..... | 3 | 1 | 1 |
| 7. Instruct client on what she needs to do next, e.g., bring in check stubs, copy of contract etc..... | 3 | 1 | 1 |
| 8. Arrange for client to see office attorney..... | 2 | 1 | 2 |
| B. The Identification of Crisis Problems That Require Immediate Attention | | | |
| 1. The client's utilities have been shut off (or will be shut off shortly)..... | 3 | 1 | 1 |
| 2. The client's wages have been garnished (or soon will be)..... | 3 | 1 | 1 |
| 3. The client's furniture (clothing, car etc.) has been repossessed (or soon will be)..... | 3 | 1 | 1 |
| 4. The client has just suffered a default judgment (or will do so shortly if the client does not appear in court)..... | 3 | 2 | 2 |
| 5. A collection agency is causing the client considerable stress..... | 2 | 2 | 2 |
| 6. The client lost her wallet with her credit cards in it..... | 2 | 1 | 1 |
| 7. The client's automobile liability insurance has been suspended.... | 2 | 1 | 1 |
| 8. The client has been told by a department store (supermarket, etc.) that she will no longer be extended any credit..... | 3 | 1 | 1 |

5.2

| C. The Identification of Consumer Law Problems That Do Not Involve Immediate Crises | Fr. | Sk. | Su. |
|---|---|---|---|
| 1. The client disputes a gas/electric/phone bill | 3 | 1 | 1 |
| 2. Client is totally dissatisfied with the gas/electric/phone service | 3 | 1 | 1 |
| 3. The client is told that she must make a large deposit before she can get any of the utilities turned on | 3 | 1 | 1 |
| 4. Client has received defective goods | 3 | 1 | 1 |
| 5. Client bought goods from a merchant on credit; the goods were defective; client complained to the merchant; merchant referred client to collection agency; agency tells client that it has nothing to do with the claimed defect in the goods; agency demands immediate payments | 3 | 2 | 2 |
| 6. Client thought she subscribed to one magazine and now finds that she is receiving and is being billed for many other subscriptions | 2 | 1 | 1 |
| 7. Client has received goods in the mail that she never ordered | 2 | 1 | 1 |
| 8. The repair work (auto, TV, washer, etc.) has been very unsatisfactory | 3 | 1 | 1 |
| 9. The cleaners ruined a suit while dry cleaning it | 3 | 1 | 1 |
| 10. A correspondence school failed to do what it promised it would do after the client paid a high fee | 1 | 2 | 2 |
| 11. Client disputes a bill received from a local (or a mail order) department store | 3 | 1 | 1 |
| 12. An insurance company (auto, fire, liability, etc.) refuses to honor a client's claim | 2 | 2 | 2 |
| 13. A client's employer short changed her | 1 | 1 | 1 |
| 14. The client has so many personal (or small business) debts that she feels inundated | 3 | 1 | 1 |
| 15. Client has never received goods ordered and paid for (in whole or in part) | 3 | 1 | 1 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| 16. The client suspects that a local merchant is raising prices in violation of price controls | 1 | 2 | 2 |
| 17. Client suspects that a chain merchant is deliberately raising prices only in chain branches in minority neighborhoods | 1 | 2 | 2 |
| 18. Client is disturbed by a store's consistent use of "phony" advertising | 1 | 2 | 2 |
| *II. Problem Resolution* | | | |
| A. Consult with lawyer immediately (lawyer and paralegal will have determined in advance what consumer law cases go directly to office attorneys) | | | |
| 1. Summarize facts for attorney | 2 | 1.5 | - |
| 2. Submit case file to attorney | 2 | 1 | - |
| 3. Obtain further instructions from the attorney | 3 | 2 | - |
| B. Referral of Nonlegal Problems to Other Agencies | | | |
| 1. Give name and address of agency to client | 3 | 1 | 1 |
| 2. Search for appropriate agency | 2 | 2 | 2 |
| 3. Contact agency for client (e.g., call in advance of the client's coming | 2 | 1 | 1 |
| 4. Take client to the agency | 1 | 1 | 1 |
| C. Time Determinations | | | |
| 1. Determine whether a court appearance has been already scheduled | 3 | 2 | 1 |
| 2. Determine if any time exists before wages are garnished | 1 | 2 | 1 |
| 3. Determine if any time exists before goods are repossessed | 2 | 2 | 1 |
| 4. Determine if a grace period exists in which the client-buyer can rescind the sale | 1 | 2 | 2 |
| 5. Determine if the client has a certain period in which to complain about defective goods or services | 1 | 2 | 2 |
| 6. Determine whether the merchant has a time period within which he must take action on a complaint made by a consumer | 1 | 2 | 2 |
| D. Investigation | | | |
| 1. Locate names and addresses of merchants who are difficult to track down | 3 | 2 | 1. |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| 2. Make a site visit to examine goods alleged to be defective..... | 3 | 1 | 1 |
| 3. Visit several department stores to compare prices for an attorney who is contemplating a discrimination case..... | 2 | 2 | 3 |
| 4. Conduct some spot verification of merchant advertising..... | 2 | 2 | 3 |
| 5. Assist client compile a list of her debtors/creditors by trying to contact some of them..... | 2 | 2 | 1 |
| 6. Go to gov't agencies such as insurance bureau, licensing bureau, etc., to collect data on certain merchants..... | 2 | 3 | 2 |
| 7. Interview a number of individuals in a neighborhood for an attorney who needs specified information for a possible class action..... | 2 | 2 | 3 |
| E. Informal Advocacy/Negotiation: Contact (i.e., call on phone, ask for a meeting write a letter, etc.,) a wide variety of individuals or organizations in order to exert pressure on behalf of the client (e.g., merchant, bank, employer, insurance company, collection agency, credit bureau, utility company, court clerk, repairman, etc.) in reference to the problem outlined above on pages 1 and 2: | | | |
| 1. Insist on the delivery of the goods..... | 3 | 2 | 2 |
| 2. Insist on the making of repairs or re-repairs..... | 3 | 2 | 2 |
| 3. Try to get the insurance company not to terminate insurance or not to raise the premium..... | 2 | 2 | 2 |
| 4. Try to get the credit company not to terminate the credit..... | 2 | 2 | 2 |
| 5. Try to forestall or avoid repossession..... | 2 | 3 | 3 |
| 6. Ask for more time to pay..... | 3 | 2 | 2 |
| 7. Ask for refinancing..... | 1 | 3 | 3 |
| 8. Ask that the individual/organization review the bills that they have sent out in order to check their accuracy..... | 3 | 2 | 1 |
| 9. Ask/insist/demand better service..... | 3 | 2 | 1 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| F. Contact Other Consumer Advocates for Help | | | |
| 1. Contact the Consumer Fraud Division of the Attorney-General's Office | 1 | 1 | 3 |
| 2. Contact community consumers groups | 2 | 1 | 1 |
| 3. Contact complaint Dept. of Mayor's Office or of other political office | 2 | 1 | 3 |
| 4. Contact the Federal Trade Commission or other Federal agencies | .5 | 3 | 3 |
| G. Drafting | | | |
| 1. Bankruptcy forms | 1 | 2 | 2.5 |
| 2. Complaints to gov't agencies, e.g., licensing bureaus | 2 | 2 | 2 |
| H. Client Counselling | | | |
| 1. Does the client want to declare bankruptcy? | .5 | 3 | 3 |
| 2. Personal budget counselling | 2 | 2 | 1 |
| I. Establishing Defenses and Counterclaims assist the client in the articulation and documentation of defenses to the actions against her, (e.g., defective goods as a defense to nonpayment) and of claims that the client may have against the merchant | 3 | 3 | 3 |
| J. Litigation | | | |
| 1. Service of process | 3 | 1 | 1 |
| 2. Act as court witness | 2 | 3 | 3 |
| 3. General litigation assistant, e.g., monitor all files | 2 | 2 | 2 |
| 4. Legal research: shepardizing | 1 | 2 | 3 |
| 5. Legal research: brief writing | .5 | 3 | 3 |
| K. Miscellaneous | | | |
| 1. Train other paralegals in office on handling consumer cases | 1 | 3 | 3 |
| 2. Train community groups on consumer law | 1 | 3 | 3 |
| 3. Write community education pamphlets on consumer law | .5 | 3 | 3 |
| L. Small Claims Court | | | |
| 1. Inform the community about the availability and function of Small Claims Court | 3 | 1 | 1 |
| 2. Assist citizens in the preparation of their case before the Small Claims Court | 3 | 3 | 2 |
| 3. Argue the case for the client before the arbritration branch of the Small Claims Court | 2 | 3 | 2 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| 3. Prepare agenda and script of meeting | 2 | 3 | 2 |
| 4. Draft oath and report of judge of elections when required | 2 | 2 | 1 |
| E. Drafting, Generally | | | |
| 1. See drafting above in reference to director's and shareholder's meetings | | | |
| 2. Shareholder agreement | 2 | 3 | 3 |
| 3. Stock option plan | 2 | 3 | 3 |
| 4. Trust agreement | 1 | 3 | 3 |
| 5. Tax returns | 3 | 3 | 3 |
| 6. Closing papers on corporate acquisition | 2 | 3 | 3 |
| 7. Employment agreement | 1 | 3 | 3 |
| *II. Public Sale of Securities* | | | |
| A. Compile information concerning officers and directors for use in Registration Statement | 2 | 2 | 2 |
| B. Assist in research of Blue Sky requirements | 2 | 3 | 2 |
| C. Closing | | | |
| 1. Prepare agenda | 3 | 2 | 2 |
| 2. Obtain certificates from state agencies with respect to good standing of company and certified corporate documents | 3 | 2 | 2 |
| 3. Prepare indeces and organize closing binders | 3 | 2 | 2 |
| *III. Miscellaneous Corporate Activities* | | | |
| A. Prepare documents for qualification to do business in foreign jurisdictions | 2 | 3 | 2 |
| B. Prepare necessary documents to amend articles of incorporation or by-laws | 3 | 3 | 3 |
| *IV. Research* | | | |
| A. Legislative reporting: keep track of pending legislation that may affect office clients | 1 | 3 | 3 |
| B. Summarize/digest certain files (a file profile) | 2 | 3 | 3 |
| C. Extract designaged information from corporate records and documents | 2 | 3 | 3 |
| D. Assemble financial data from records on file at SEC and state securities regulatory agencies | 1 | 3 | 3 |

| V. *General Assistantship* | Fr. | St. | Su. |
|---|---|---|---|
| A. Maintain "tickler" system (e.g., specifying next corporate meeting, upcoming trial, appellate court dates)..... | 2 | 3 | 2 |
| B. Monitor the daily law journal (e.g., specifying certain cases on calendars of courts, current court decisions, articles, etc., and forwarding such to appropriate office attorneys..... | 3 | 3 | 2 |
| C. Act as file managers of certain clients (index, monitor documents in the file, etc.)..... | 3 | 2 | 2 |
| D. Maintain corporate forms file..... | 3 | 2 | 1 |

| CRIMINAL LAW | Fr. | Sk. | Su. |
|---|---|---|---|
| *I. Pre-Trial* | | | |
| A. Investigation | | | |
| 1. Verify information | 3 | 2 | 1 |
| 2. Find evidence and additional information | 3 | 3 | 2 |
| 3. Locate witnesses | 2 | 2 | 1 |
| 4. Search official records | 3 | 2 | 2 |
| 5. Write investigation reports for attorneys | 3 | 3 | 2 |
| B. Explain the criminal process (to defendants, to witnesses, to complainant - if work for DA -, to relatives) | | | |
| 1. the bail process | 1 | 2 | 2 |
| 2. the preliminary hearing | 1 | 2 | 2 |
| 3. the trial and appeal process | 1 | 3 | 2 |
| C. Assist in Bail Process | | | |
| 1. Verify bail information | 3 | 1 | 1 |
| 2. Help find bail bondsman | 2 | 1 | 1 |
| D. Develop case for alternative to incarceration in anticipation of conviction | | | |
| 1. Identify community resourses (Job training, drug rehabilitation, counselling, medical help, etc.) | 2 | 2 | 1 |
| 2. Determine whether these resources would be willing to enroll the accused now or upon a court order | 2 | 2 | 1 |
| 3. Get a letter from agencies to this effect or see if a representative of the agency will appear in court on behalf of accused | 2 | 2 | 1 |
| E. Draft preliminary pleadings, legal research | .5 | 3 | 3 |
| *III. Trial* | | | |
| A. Argue entire case for client in court* | .5 | 3 | 1 |

*In very limited situations, some jurisdictions allow non-lawyers to represent clients in court. For example, laymen can represent clients in the West Virginia Justice of the Peace Courts on specified misdemeanors. In Tribal Courts, which have jurisdiction over criminal cases, lawyers are not allowed to practice. Hence non-lawyer Indians argue the entire case as counsel for plaintiff or defendant (the accused). See section 23 *infra* on Tribal Courts.

| | Fr. | Sk. | Su. |
|---|---|---|---|
| B. "Argue" part of case for client in court**..... | .5 | 3 | 1 |
| C. Be General Assistant to Lawyer at Trial | | | |
| 1. Keep files together..... | 2 | 2 | 2 |
| 2. Be available for assignments (e.g., get a document during the recess)..... | 2 | 2 | 2 |
| 3. Take notes for the attorney..... | 1 | 2 | 2 |
| 4. Make suggestions to attorney on what to ask witnesses..... | 1 | 3 | 3 |
| D. Be a witness for the defense (e.g., if paralegal came across information during investigation that needed his vertification, etc.)..... | 1 | 2 | 3 |
| *IV. Appeal* | | | |
| A. Legal research..... | .5 | 3 | 3 |
| B. Statistical research (e.g., look over jury lists to determine whether any patterns of de facto or de jure discrimination might exist)..... | 1 | 3 | 3 |
| C. Monitor the files on court appeals..... | 3 | 1 | 1 |
| *V. Miscellaneous* | | | |
| Write pamphlets on criminal law for distribution in the community..... | 1 | 3 | 3 |

**In very limited situations, some courts permit a layman to talk on behalf of a client in court. For example, a layman involved in a special employment project may be permitted to explain to the court why the accused is a good prospect for the job program pending or in lieu of trial. (Note also that probation officers -laymen- are often permitted to make statements (arguments?) in juvenile delinquency proceedings.)

| *DIVORCE LAW* | Fr. | Sk. | Su. |
|---|---|---|---|
| *I. Problem Identification* | | | |
| A. Preliminary Interview | | | |
| 1. Determine eligibility for free legal services..... | 3 | 1 | 1 |
| 2. Identify non-legal problems for referral to other agencies..... | 3 | 1 | 1 |
| 3. Identify legal problems not involving marriages for referral to others in the office (if paralegal is handling only marriage related cases that day)..... | 2 | 1 | 1 |
| 4. Open a case file or update it..... | 3 | 1 | 1 |
| 5. Using a basic fact sheet (or form), record the information collected during the interview. | 3 | 2 | 1 |
| 6. Determine next appointment..... | 3 | 1 | 1 |
| 7. Instruct client on what she needs to do next, e.g., obtain medical and birth records, etc..... | 3 | 1 | 1 |
| 8. Arrange for client to see office attorney..... | 2 | 1 | 2 |
| 9. If divorces or separations have a low priority in the office due to manpower shortages, the preliminary interview will be postponed unless the paralegal determines that the circumstances of the case require immediate attention..... | 3 | 2 | 1 |
| 10. If the office requires that the client pay the court costs (or other fees) in connection with the divorce proceeding, the paralegal collects this fee or arranges with the client for payment..... | 3 | 1 | 1 |
| B. Jurisdiction and Grounds | | | |
| 1. Determine present residence (and length thereof) of all parties..... | 3 | 1 | 1 |
| 2. Collect data on present marriage (e.g., state married in, number of children by this marriage, by prior marriages, sources of support, etc.)..... | 3 | 1 | 1 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| 3. Determine whether the client was validly married to the spouse from whom she seeks a divorce (e.g., look at documents client brought with her, inquire about prior marriages and divorces etc)..... | 2 | 2 | 2 |
| 4. Ask questions to determine whether the grounds for divorce exist (e.g., non-support, adultery, cruelty, irreconcilability, etc.)..... | 3 | 2 | 2 |
| 5. Ask questions to determine whether grounds for a separation exist..... | 2 | 2 | 2 |
| 6. Determine whether the client wants to consider less drastic remedies (e.g., seeking a support order)..... | 2 | 2 | 2 |
| *II. Problem Resolution* | | | |
| A. Consult with lawyer immediately (supervising lawyer and paralegal will have determined in advance what cases/problems in divorce go directly to lawyer) | | | |
| 1. Summarize facts for lawyer..... | 2 | 1.5 | - |
| 2. Submit case file to attorney..... | 2 | 1 | - |
| 3. Obtain further instructions from lawyer..... | 3 | 2 | - |
| B. Referral of Nonlegal Problems to Other Agencies | | | |
| 1. Give name and address of agency to client..... | 3 | 1 | 1 |
| 2. Search for an appropriate agency.... | 2 | 2 | 1 |
| 3. Contact agency for client (e.g., call in advance of the client's coming)..... | 2 | 1 | 1 |
| 4. Take client to the agency..... | 1 | 1 | 1 |
| C. Time Assessments (determined according to office checklists) | | | |
| 1. Determine when complaint must be served..... | 3 | 1 | 1 |
| 2. Determine when preliminary papers must be served in court..... | 3 | 1 | 1 |
| 3. Develop a calendar of dates for all subsequent service and filings..... | 2 | 2 | 2 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| D. Counselling | | | |
| 1. If the state requires an attempt at reconciliation before a divorce can be awarded, the paralegal explains this procedure for the client and assists her in getting the process started..... | 1 | 1 | 1 |
| 2. Determines whether the client and spouse would like to attempt voluntary marriage counselling and if so, assist client in getting this service..... | 1 | 1 | 1 |
| E. Immediate Support Needs | | | |
| 1. Pending the divorce action, the paralegal determines whether any support problems exist..... | 3 | 1 | 1 |
| 2. If problems exist, explore options (e.g., welfare)..... | 3 | 2 | 1 |
| F. In Forma Pauperis Status | | | |
| 1. Determine whether client is eligible for forgiveness of court costs..... | 3 | 1 | 1 |
| 2. Make a list of all assets of client (according to office checklist)..... | 3 | 1 | 1 |
| G. Investigation | | | |
| 1. Verify that client meets residency requirement..... | 3 | 1 | 1 |
| 2. Trace addresses for purpose of service..... | 3 | 2 | 1 |
| 3. Search for records (e.g., marriage records, divorce records, birth records, criminal records, e.g., involving assault of one spouse against the other..... | 3 | 2 | 2 |
| 4. Check for evidence to support any of the possible grounds for divorce..... | 3 | 2.5 | 2 |
| H. Drafting | | | |
| 1. Preliminary draft to complaint..... | 2 | 3 | 2 |
| 2. Preliminary draft of summons..... | 3 | 2 | 2 |
| 3. Preliminary draft of in forma pauperis petition..... | 3 | 1 | 1 |
| 4. Preliminary draft of judgment..... | 1 | 3 | 3 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| I. Service and Filing | | | |
| 1. Serve defendant (respondent)..... | 3 | 1 | 1 |
| 2. If defendant is not available, effect service via mailing and/ or publication..... | 2 | 2 | 2 |
| 3. Serve attorney for other side (if any)..... | 3 | 1 | 1 |
| 4. File papers in court..... | 3 | 1 | 1 |
| J. Court | | | |
| 1. Act as general litigation assistant (e.g., keep files in order, etc.)..... | 2 | 2 | 3 |
| 2. Act as court witness on service..... | 1 | 1 | 3 |
| III. *Miscellaneous* | | | |
| A. Training other staff in the divorce system of the office | | | |
| 1. Secretaries..... | 3 | 3 | 2 |
| 2. Other paralegals..... | 2 | 3 | 2 |
| 3. New attorneys..... | 1.5 | 3 | 3 |
| B. Management: assist managing attorney in the design and monitoring of the office divorce system..... | 1 | 3 | 3 |

*DRAFT LAW*

| | Fr. | Sk. | Su. |
|---|---|---|---|
| *I. Problem Identification* | | | |
| A. Providing Information to Men of Draft Age | | | |
| 1. On How to Register | | | |
| a. For American citizens..... | 3 | 2 | 1 |
| b. For aliens..... | 1 | 3 | 1 |
| 2. On Classification Procedures | | | |
| a. Procedures generally..... | 3 | 3 | 1 |
| b. Medical examination process..... | 3 | 3 | 1 |
| c. Conscientious objection procedures..... | 3 | 3 | 2 |
| d. Student deferment process..... | 3 | 3 | 1 |
| e. Establishing a hardship case..... | 1 | 3 | 2 |
| f. How to determine the applicable jurisdiction (state) controlling a case..... | 2 | 3 | 2 |
| 3. The Examination Process | | | |
| a. Medical..... | 3 | 2 | 1 |
| b. Mental (intellectual capacity)... | 1 | 1 | 1 |
| c. Moral (by "administrative" criteria)..... | 1 | 3 | 1 |
| 4. The Selection Process | | | |
| a. Ascertaining a lottery number.... | 3 | 1 | 1 |
| b. Ascertaining proper position in order of call..... | 3 | 3 | 2 |
| 5. Induction Procedures, Generally..... | 3 | 2 | 2 |
| 6. Arrest Procedures (upon refusal of induction, failure to report for physical, etc.)..... | 2 | 3 | 2 |
| 7. Explanation of Court Processes | | | |
| a. Exhaustion of administrative remedies..... | 3 | 3 | 2 |
| b. Pre-induction judicial review.... | 3 | 2 | 2 |
| c. Habeas corpus..... | 2 | 3 | 2 |
| d. Trial and appeal..... | 2 | 3 | 2 |
| e. Sentencing (prison, probation, parole)..... | 2 | 2 | 1 |
| f. Appeal..... | 2 | 3 | 2 |
| B. Record Keeping | | | |
| 1. Compile a medical history..... | 3 | 2 | 1 |
| 2. Compile basic classification history..... | 3 | 2 | 1 |
| *II. Problem Resolution* | | | |
| A. Referral | | | |
| 1. To other draft counselling centers.. | 2 | 1 | 1 |
| 2. To attorneys..... | 2 | 1 | 1 |
| B. Investigation | | | |
| 1. Obtain data from local board and selective service files..... | 3 | 3 | 1 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| 2. Obtain data from state and national selective service agencies | 2 | 3 | 2 |
| 3. Obtain data from U. S. Attorneys and FBI | 1 | 3 | 3 |
| C. Claim Documentation | | | |
| 1. Gathering adequate medical records | 3 | 2 | 1 |
| 2. Gathering adequate CO record (e.g., letters from clergymen) | 3 | 2 | 1 |
| 3. Gathering adequate data establishing a hardship case | 3 | 2 | 1 |
| D. Establishment of Defense | | | |
| 1. Erroneous classification (e.g., no basis in fact, CO status improperly denied) | 3 | 3 | 2 |
| 2. Arbitrary refusal to reopen classification process (consider the case anew) | 3 | 3 | 1 |
| 3. Erroneous placement in order of call | 3 | 3 | 1 |
| 4. Erroneous assumption of jurisdiction by local board | 1 | 3 | 2 |
| 5. Procedural errors by board | 3 | 3 | 2 |
| 6. Procedural errors by Armed Forces Examining and Entrance Station (AFEES) | 2<br>2 | 3<br>3 | 2<br>2 |
| 7. Assist in the identification of constitutional challenges to the Selective Service Act or to interpretations of the Act by Boards relative to an individual's case | 2 | 3 | 3 |
| E. Informal Advocacy | | | |
| 1. Request for Congressional intervention | 1 | 2 | 1 |
| 2. Informal attempt to resolve disputes via contacting (e.g., phone calls, letters, etc.): | | | |
| a. Local board | 1 | 3 | 2 |
| b. State Selective Service Headquarters | 3 | 3 | 2 |
| c. Regional Counsel of Selective Service, AFEES, etc | 1 | 3 | 2 |
| d. National Selective Service Headquarters | 2 | 3 | 2 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| F. Formal Advocacy | | | |
| 1. Administrative hearings | | | |
| a. Prepare statement or help prepare a witness to appear before a local board | 1.5 | 3 | 3 |
| b. Prepare brief-type document to appeal Board | 1 | 3 | 3 |
| 2. Court | | | |
| a. Act as witness | .5 | 3 | 3 |
| b. Help prepare witnesses | 1 | 3 | 3 |
| c. Assist attorneys generally | 1 | 3 | - |
| d. Write briefs | .5 | 3 | 3 |
| G. Compliance | | | |
| 1. Assist individual in complying with final decision of gov't | 1 | 3 | 2 |
| 2. Check that the gov't is complying with its final decision | 1 | 3 | 3 |
| *III. Administration of Counselling Center* | | | |
| A. Obtaining funding | 3 | 2 | 1 |
| B. Recruiting volunteer counselors | 3 | 2 | 1 |
| C. Maintaining a library on the selective service law and reference materials | 3 | 3 | 3 |
| D. Updating library | 3 | 2 | 3 |
| E. Training and supervising counselors | 3 | 3 | 2 |
| *IV. Outreach and Community Education* | | | |
| A. Providing necessary information to individuals upon arrival at physicals/ induction | 2 | 3 | 1 |
| B. Writing community education pamphlets on draft laws and regulations | 2 | 3 | 3 |
| C. Speaking engagements on draft law and the operation of the counselling centers | 3 | 3 | 2 |
| *V. Miscellaneous* | | | |
| A. Presenting testimony and petitions to Congressional committees concerning legislation governing the Selective Service Board, and to Selective Service hearings concerning regulations made or proposed by the Selective Service Administration | 2 | 3 | 3 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| B. Assist Conscientious Objectors in obtaining jobs that will satisfy their two year alternative service requirement..... | 1 | 2 | 1 |
| C. Coordinating the work of draft counselling centers..... | 2 | 2 | 1 |

## *EDUCATION LAW*

| | Fr. | Sk. | Su. |
|---|---|---|---|
| *I. Problem Identification* | | | |
| A. Preliminary Interview | | | |
| 1. Determine eligibility for free legal services | 3 | 1 | 1 |
| 2. Identify non-legal problems for referral to other agencies | 3 | 1 | 1 |
| 3. Identify legal problems not involving education for referral to others in the office (if paralegal is handling only cases involving education that day) | 2 | 1 | 1 |
| 4. Open a case file or update it | 3 | 1 | 1 |
| 5. Using a basic fact sheet (or form), record the information collected during the interview | 3 | 2 | 1 |
| 6. Determine next appointment | 3 | 1 | 1 |
| 7. Instruct client on what she needs to do next, e.g., obtain medical and birth records, etc | 3 | 1 | 1 |
| 8. Arrange for client to see office attorney | 2 | 1 | 2 |
| B. Education Problems | | | |
| 1. Parent has received a notice of suspension concerning her child | 2 | 1 | 1 |
| 2. Parent/child want a school transfer | 2 | 1 | 1 |
| 3. Parent/child object to the failure of the school to promote the child | 2 | 1 | 1 |
| 4. Parent-child object to the failure of the school to prevent other students from bothering child | 1 | 1 | 1 |
| 5. Parent/child object to failure of the school to give child special programming | 2 | 1 | 1 |
| *II. Problem Resolution* | | | |
| A. Consult with lawyer immediately (lawyer and paralegal will have determined in advance what education cases go directly to office attorneys | | | |
| 1. Summarize facts for lawyer | 2 | 1.5 | - |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| 2. Submit case file to attorney..... | 2 | 1 | - |
| 3. Obtain further instructions from attorney..... | 3 | 2 | - |
| B. Referral of Nonlegal Problems to Other Agencies | | | |
| 1. Give name and address of agency to client..... | 3 | 1 | 1 |
| 2. Search for appropriate agency..... | 2 | 2 | 1 |
| 3. Contact agency for client (e.g., call in advance of the client's coming, etc.)..... | 2 | 1 | 1 |
| 4. Take client to agency..... | 1 | 1 | 1 |
| C. Investigation | | | |
| 1. Interview the parties involved (teachers, other students, etc.) in the alleged disciplinary infraction of the child..... | 2 | 2 | 3 |
| 2. Contact admission office(s) of a number of schools to assess transfer options..... | 2 | 1 | 1 |
| 3. Interview parents/students in a designated area for an attorney who is contemplating a class action..... | 2 | 2 | 3 |
| D. Informal Advocacy | | | |
| 1. Contact complainant-teacher or complainant-parent to see if the disciplinary charge cannot be resolved without a formal suspension or explusion hearing..... | 2 | 3 | 2 |
| 2. Contact school administrator(s) to see if the school won't give special attention to the parent/child's request for a transfer, special programming, extra protection for the child on corridors, in school yard, etc..... | 3 | 3 | 2 |
| E. Lobbying | | | |
| 1. Appearing before School Board Hearings to petition for changes in administrative regulations, e.g., for inclusion in the school budget of a drug education program in the schools, for changes in the school suspension regulations.. | 2 | 3 | 2 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| 2. Appearing before legislative committees to petition for changes in the statutory laws governing schools..... | 1 | 3 | 3 |
| F. Formal Hearings | | | |
| 1. Representing (or appearing along with, as friend) the child at school suspension hearing..... | 2 | 2 | 1 |
| 2. Representing (or appearing along with, as friend) the child at school revocation hearing..... | 2 | 2 | 1 |
| G. Community Work | | | |
| 1. Helping to organize (loosly or formally) disperate segments of the community around school issues..... | 1 | 3 | 2 |
| 2. Providing general assistance to Parents' Associations, e.g., speaking to the groups on education law topics..... | 1 | 3 | 2 |
| 3. Writing community education pamphlets for students/parents on education law issues..... | 2 | 3 | 3 |
| H. Litigation | | | |
| 1. Act as court witness..... | 1 | 2 | 3 |
| 2. Serve papers..... | 3 | 1 | 1 |
| 3. General litigation assistant, e.g., monitor all files..... | 2 | 2 | 3 |
| 4. Legal research: shepardizing, cite checking..... | 1 | 2 | 3 |
| 5. Legal research: brief writing..... | .5 | 3 | 3 |
| I. Client Counselling: helping the parent/child to articulate and decide upon courses of action (e.g., does the parent/child want to fight the administrative action or seek a transfer to another school, does the parent want to consider psychiatric counselling for the child?..... | 2 | 3 | 3 |

| EMPLOYMENT LAW* | Fr. | Sk. | Su. |
|---|---|---|---|
| I. *Problem Identification* | | | |
| A. Individual complains that he was not hired because of discrimination..... | 1 | 1 | 1 |
| B. Employee feels that a demotion or a failure to promote was due to discrimination... | 1 | 1 | 1 |
| C. Employee working part-time for a small neighborhood employer claims non-payment of salary..... | 1 | 1 | 1 |
| II. *Investigation* | | | |
| A. Gather documents (e.g., work stubs) pertaining to the case..... | 1 | 1 | 1 |
| B. Interview employer, other employers, etc. involved in the case..... | 1 | 3 | 2 |
| IV. *Informal Advocacy/Negotiation/Mediation* | | | |
| Call, write, meet with or otherwise contact everyone involved in the case in an attempt to determine whether the underlying disputes can be resolved informally..... | 1 | 3 | 2 |
| V. *Hearing* | | | |
| A. Assist the individual in the presentation of his claim before Civil Service Board..... | 1 | 3 | 2 |
| B. Assist the individual in the presentation of his claim before Human Rights Board..... | 1 | 3 | 2 |

*See also Section 25 *infra* on Unemployment Insurance Law and Section 27 *infra* on Workmen's Compensation Law.

## HEALTH LAW

| | Fr. | Sk. | Su. |
|---|---|---|---|
| *I. Problem Identification* | | | |
| A. Preliminary Interview | | | |
| 1. Determine eligibility for free legal services | 3 | 1 | 1 |
| 2. Identify non-legal problems for referral to other agencies | 3 | 1 | 1 |
| 3. Identify legal problems not involving health for referral to others in the office (if paralegal is handling only health cases that day) | 2 | 1 | 1 |
| 4. Open a case file or update it | 3 | 1 | 1 |
| 5. Using a basic fact sheet (or form), record the information collected during the interview | 3 | 2 | 1 |
| 6. Determine next appointment | 3 | 1 | 1 |
| 7. Instruct client on what she needs to do next, e.g., obtain medical and birth records, etc | 3 | 1 | 1 |
| 8. Arrange for client to see office attorney | 2 | 1 | 2 |
| B. Health Problems | | | |
| 1. Client is confused about hospital services available to her | 3 | 1 | 1 |
| 2. Language and communication barriers exist between health care staff and patients | 2 | 1 | 1 |
| 3. Client is told she is not eligible for certain health benefits | 3 | 1 | 1 |
| 4. Client complains that hospital is not respecting her privacy (e.g., MD talks about client's case in front of other patients) | 2 | 2 | 1 |
| 5. Client challenges a bill sent to her | 2 | 1 | 1 |
| *II. Problem Resolution* | | | |
| A. Consult with lawyer immediately (lawyer and paralegal will have determined in advance what health cases go directly to office attorneys) | | | |
| 1. Summarize facts for lawyer | 2 | 1.5 | - |
| 2. Submit case file to attorney | 2 | 1 | - |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| 3. Obtain further instructions from attorney | 3 | 2 | - |
| B. Referral of Nonlegal Problems to Other Agencies | | | |
| 1. Give name and address of agency to client | 3 | 1 | 1 |
| 2. Search for appropriate agency | 2 | 2 | 1 |
| 3. Contact agency for client (e.g., call in advance of the client's coming, etc.) | 2 | 1 | 1 |
| 4. Take client to agency | 1 | 1 | 1 |
| C. Investigation | | | |
| 1. Track down medical records | 3 | 2 | 1 |
| 2. Site visits to explore public health issues (e.g., pollution caused by industry) | 2 | 2 | 2 |
| D. Interpretation and Community Education | | | |
| 1. Act as interpreter of foreign language between MD and patient | 2 | 2 | 1 |
| 2. Explain hospital procedures to clients | 3 | 2 | 1 |
| 3. Write pamphlets on health rights | 2 | 3 | 3 |
| 4. Speak to community groups about health law issues | 2 | 3 | 1 |
| E. Informal Advocacy/Negotiation/Mediation Contact (call, visit, write a letter, etc.) individuals involved in the client's complaint in order to determine whether the problem cannot be resolved informally | 3 | 3 | 2 |
| F. Legislation/Regulations Appear before legislative committees or health administrative bodies to express views on health care issues | 2 | 3 | 2 |

## *IMMIGRATION AND NATURALIZATION LAW*

| | | Fr. | Sk. | Su. |
|---|---|---|---|---|
| *I.* | *Problem Identification* | | | |
| | A. Difficulty in obtaining visa..... | 2 | 1 | 1 |
| | B. Difficulty in obtaining permanent residency based on occupation..... | 1 | 1 | 1 |
| | C. Difficulty in obtaining non-immigrant status..... | 2 | 1 | 1 |
| | D. Deportation proceedings against the alien..... | 1 | 1 | 1 |
| | E. Difficulty in obtaining citizenship status.. | 1 | 1 | 1 |
| *II.* | *Providing Information:* | | | |
| | A. Visa process..... | 2 | 2 | 1 |
| | B. Permanent residency process..... | 2 | 2 | 1 |
| | C. Non-immigrant status process..... | 2 | 2 | 1 |
| | D. Deportation process..... | 2 | 2 | 2 |
| | E. Registration process..... | 3 | 1 | 1 |
| | F. Citizenship process..... | 2 | 2 | 1 |
| *III.* | *Investigation* | | | |
| | Assist the individual in obtaining birth, travel, residency data and documents..... | 2 | 3 | 2 |
| *IV.* | *Referral* | | | |
| | Referral of individuals to foreign consulates, nationality organizations, government officials, etc. for assistance concerning their alien status and social service aid. | 2 | 2 | 1 |
| *V.* | *Applications/Forms* | | | |
| | Assist the individual in filling out visa applications, permanent residency applications, etc..... | 2 | 3 | 2 |

## *INVESTIGATION GENERALLY*

| | | Fr. | Sk. | Su. |
|---|---|---|---|---|
| *I.* | *Document Gathering* | | | |
| | A. Medical records | 3 | 2 | 1 |
| | B. Police records | 3 | 2 | 2 |
| | C. Birth and death records | 3 | 2 | 1 |
| | D. Marriage records | 3 | 2 | 1 |
| | E. Adoption and custody records | 3 | 2 | 1 |
| | F. Incorporation records | 3 | 2 | 2 |
| *II.* | *Record Research* | | | |
| | A. Find out from court dockets if a particular merchant is being sued has sued before (does any pattern exist?) | 2 | 3 | 2 |
| | B. Find out who the "real owner" is of an apartment building | 2 | 3 | 2 |
| | C. Check housing code agency to see if a particular landlord has other building code violations against him on record | 3 | 2 | 1 |
| *III.* | *Statistical Research* | | | |
| | A. Spot check merchants to determine if pricing discrimination or false advertising exists | 1 | 2 | 2 |
| | B. Interview families along a proposed highway route to determine what problems they are facing and/or to provide them with information on the condemnation process | 1 | 2 | 2 |
| *IV.* | *Fact Gathering* (other than documents) In a wide range of cases (e.g., criminal, divorce, custody, housing, etc.), the investigator substantiates facts, follows leads for possible evidence in connection with litigation, etc | 3 | 3 | 2 |
| *V.* | *Filing/Service* | | | |
| | A. Serve parties involved in litigation | 3 | 1.5 | 1 |
| | B. File papers in court | 3 | 1 | 1 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| *VI. Act as Court Witness* | | | |
| A. As to service of process..... | 1 | 1 | 1 |
| B. As to data uncovered or photographed (e.g., the condition of an apartment building)..... | 1 | 3 | 3 |

## *LANDLORD-TENANT LAW*

| | Fr. | Sk. | Su. |
|---|---|---|---|
| *I. Problem Identification* | | | |
| A. Preliminary Interview | | | |
| 1. Determine eligibility for free legal services..... | 3 | 1 | 1 |
| 2. Identify non-legal problems for referral to other agencies..... | 3 | 1 | 1 |
| 3. Identify legal problems not involving housing for referral to others in the office (if paralegal is handling only housing cases that day)..... | 2 | 1 | 1 |
| 4. Open a case file or update it..... | 3 | 1 | 1 |
| 5. Using a basic fact sheet (or form), record the information collected during the interview..... | 3 | 2 | 1 |
| 6. Determine next appointment..... | 3 | 1 | 1 |
| 7. Instruct client on what she needs to do next, e.g., bring in rent payment receipts, etc)..... | 3 | 1 | 1 |
| 8. Arrange for client to see office attorney..... | 2 | 1 | 2 |
| B. Public Housing | | | |
| 1. Application problems identified (e.g., where to apply, what forms to use, what waiting list do I go on, suspicion of discrimination, do I have a priority, e.g., due to relocation, etc.)..... | 3 | 1 | 1 |
| 2. Maintenance problems identified (e.g., security dangers, no heat, rent is too high, super is never around, neighbors put garbage in hallway, etc.)..... | 3 | 1 | 1 |
| 3. Termination problems identified. (e.g., client wants to move, client has received notice to evict, etc.)..... | 3 | 2 | 1 |
| C. Private Housing | | | |
| 1. Application problems identified (e.g., suspicion of discrimination, does client qualify for FHA buyers loan, does client qualify for gov't rent subsidy, etc.)..... | 1 | 2 | 2 |
| 2. Maintenance problems identified (e.g., housing code violations on building, etc.)..... | 3 | 1 | 1 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| 3. Termination problems identified (e.g., received notice to evict for non-payment, for violating other conditions of lease, etc.)..... | 3 | 2 | 1 |
| *II. Problem Resolution* | | | |
| A. Consult with lawyer immediately (lawyer and para will have determined in advance what L&T cases go directly to office attorneys) | | | |
| 1. Summarize facts for lawyer..... | 2 | 1 | - |
| 2. Submit case file to attorney..... | 2 | 1 | - |
| 3. Obtain further instructions from attorney..... | 3 | 2 | - |
| B. Referral of Nonlegal Problems to Other Agencies | | | |
| 1. Give name and address of agency to client..... | 3 | 1 | 1 |
| 2. Search for appropriate agency..... | 2 | 2 | 2 |
| 3. Contact agency for client (e.g., call in advance of the client's coming, etc.)..... | 2 | 1 | 1 |
| 4. Take client to agency..... | 1 | 1 | 1 |
| C. Time Determinations | | | |
| 1. Call sheriff's office to determine if they are going to execute an eviction order..... | 3 | 1 | 1 |
| 2. Determine time of the next court proceeding (e.g., in order to request postponement)..... | 3 | 2 | 2 |
| 3. Develop a calendar of dates for all process serving and court filings..... | 2 | 2 | 2 |
| D. Investigation | | | |
| 1. Visit apartment/house in order to verify and document (e.g., photograph) code violations.... | 3 | 1 | 1 |
| 2. Search city/county records in order to identify owner of building.. | 1 | 3 | 3 |
| 3. Search code records to determine what violations are on record for the same building..... | 2 | 3 | 3 |
| 4. Interview other tenants in building for attorney contemplating class action or building receivership action..... | 2 | 2 | 2 |
| E. Informal Advocacy/Negotiation | | | |
| 1. Call landlord in order to try to resolve problem without court action..... | 3 | 3 | 1 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| 2. Call landlord's attorney in order to try to resolve problem without court action..... | 1 | 3 | 3 |
| 3. Call superintendent to exert pressure on services for tenant..... | 2 | 2 | 1 |
| 4. Call sheriff to try to stall the execution of the eviction order (usually only for a few hours)..... | 3 | 1 | 1 |
| 5. Call public housing agency to try to get them to act more swiftly or more in accord with the client's rights..... | 3 | 2 | 1 |
| 6. Call relocation office to try to (same as "5" above)..... | 3 | 2 | 1 |
| F. Document and Service of Process Analysis | | | |
| 1. Determine whether breach of lease notices were properly served and are in proper form..... | 3 | 2 | 2 |
| 2. Determine whether a valid lease exists..... | 1 | 3 | 3 |
| 3. Study rent reciepts to determine whether any gaps/defaults exist..... | 3 | 2 | 1 |
| 4. Determine validity of all subsequent pleadings received..... | 2 | 3 | 3 |
| G. Establishing Defenses and Counterclaims | | | |
| 1. Determine whether the client has a defense (e.g., has paid all rent, does not have a dog, is not unduly noisy, etc.)..... | 3 | 2 | 2 |
| 2. Determine whether client has a counterclaim (e.g., improper services or no services) and whether the client wants to assert the counterclaim..... | 2 | 3 | 3 |
| H. Drafting | | | |
| 1. Preliminary draft of order to show cause or other pleading to stay further court proceedings or to stay execution of court order..... | 2 | 3 | 2 |
| 2. Preliminary draft of answer..... | 2 | 3 | 3 |
| 3. Preliminary draft of counterclaim... | 1 | 3 | 3 |
| 4. Preliminary draft of complaint (when client is plaintiff suing landlord)..... | 1 | 3 | 3 |
| 5. Letter requesting public housing hearing..... | 2 | 2 | 2 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| 6. Assist client to fill out forms, e.g., application for public housing, for reduction of rent (addressed to rent control office) etc..... | 3 | 2 | 1 |
| 7. Draft "subpoena duces tecum" order addressed to code violation agency requesting a listing of code violations on a particular building..... | 3 | 1 | 1 |
| 8. Preliminary draft of bill of particulars addressed to attorney of landlord..... | 1 | 3 | 3 |
| 9. Preliminary draft of interrogatories (written) addressed to attorney of landlord..... | 1 | 3 | 3 |
| 10. Preliminary draft of answers to written interrogatories addressed to client..... | 1 | 3 | 3 |
| I. Service/Filings | | | |
| 1. Serve pleadings on landlord or his attorney..... | 3 | 1 | 1 |
| 2. File pleadings in courts, in public housing agency, in rent control office, in housing code agency, etc..... | 3 | 1 | 1 |
| J. Immediate Crisis Needs | | | |
| 1. Client has just been evicted onto the street and is in need of immediate shelter..... | 3 | 1 | 1 |
| 2. Fire in apartment necessitates help in obtaining immediate shelter.. | 3 | 1 | 1 |
| K. Formal Hearing Representation | | | |
| 1. Represents client at public housing hearing on attempt to evict client..... | 2 | 3 | 1 |
| 2. Represents client at welfare fair hearing where client asks welfare dept. to give her more money for rent and the dept. refuses..... | 3 | 3 | 1 |
| 3. Represents client at rent control hearing where client claims that the landlord is in violation of the rent control laws or where client denies that she is in violation of such laws in a proceeding brought by the landlord..... | 2 | 3 | 1 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| L. Warehouse Problems | | | |
| 1. Assist client in getting personal property back from warehouse which stored goods upon eviction..... | 2 | 2 | 2 |
| 2. Assist client in challenging bill submitted by the warehouse..... | 2 | 2 | 2 |
| 3. Assist client in challenging warehouse for damaging property confiscated after eviction..... | 2 | 2 | 2 |
| M. Small Claims Court | | | |
| 1. Inform the community about the availability and function of Small Claims Court..... | 3 | 1 | 1 |
| 2. Assist citizens in the preparation of their housing case before the Small Claims Court..... | 3 | 3 | 2 |
| 3. Argue the housing case for the client before the arbritration branch of the Small Claims Court..... | 2 | 3 | 2 |
| N. Community Work | | | |
| 1. Draft community leaflets informing the community on L&T issues/ problems/rights: e.g., what to do when you receive an eviction notice, etc..... | 1.5 | 3 | 3 |
| 2. Organize the tenants of a building around a common issue, e.g., receivership proceeding..... | 2 | 2 | 2 |
| 3. Assist a community group organized around L&T issues generally.... | 2 | 2 | 1 |
| 4. Help to train the staff of existing tenant groups (e.g., tenants association) in L&T law..... | 1 | 3 | 3 |
| O. Miscellaneous | | | |
| 1. Train other paralegals in the office in L&T law..... | 2 | 3 | 3 |
| 2. Train office attorneys in L&T law.... | 1 | 3 | 3 |
| 3. Assist office in the drafting of standard forms and procedures for L&T cases..... | 1 | 3 | 3 |

| *LITIGATION, GENERALLY* | Fr. | Sk. | Su. |
|---|---|---|---|
| *I. File Monitor on Cases in Litigation* | | | |
| 1. Index all files | 3 | 3 | 2 |
| 2. Write case profile based on information in the files | 2 | 3 | 2 |
| 3. Read attorney briefs to check accuracy of the information in the litigation file | 2 | 3 | 3 |
| 4. Organize and index documents obtained through discovery | 2 | 3 | 2 |
| *II. Investigation* | | | |
| 1. Interview witnesses | 3 | 3 | 2 |
| 2. Trace documents and other physical evidence | 3 | 2 | 2 |
| 3. Examine public records (e.g., to determine how many times a particular corporation has been sued) | 2 | 3 | 2 |
| *III. Interrogatories/Depositions* | | | |
| 1. Make preliminary draft of interrogatories | 2 | 3 | 3 |
| 2. Make preliminary draft of answers to interrogatories | 2 | 3 | 3 |
| 3. Digest and index interrogatories and depositions | 3 | 3 | 3 |
| 4. Make preliminary draft of deposition questions | 2 | 3 | 3 |
| *IV. Filings/Serving:* in court, at agencies, on parties, on attorneys, etc | 3 | 1 | 1 |
| *V. General Assistantship* | | | |
| 1. Arrange for clients and others to be interviewed | 3 | 2 | 1 |
| 2. Arrange for expert witnesses to appear in court or at depositions | 3 | 2 | 1 |
| 3. Reconstruct from a large collection of disparate records and other evidence what happened at a particular time and place | 2 | 3 | 3 |
| 4. Digest deposition transcripts | 2 | 3 | 2 |
| 5. Assist clients in completing information questionnaire (e.g., in reference to class action plaintiffs) | 1 | 2 | 2 |
| 6. Prepare charts/tables to be used as exhibits at trial | 2 | 3 | 2 |
| 7. Sit at counsel's table at trial in order to take notes and suggest questions to attorney to be asked of witnesses | 1 | 3 | 2 |

| | | Fr. | Sk. | Su. |
|---|---|---|---|---|
| *VI.* | *Legal Research* | | | |
| | 1. Shepardizing, cite checking | 2 | 3 | 2 |
| | 2. Memo and brief writing | .5 | 3 | 3 |
| | 3. Prepare bibliographies of source materials related to litigation | 3 | 2 | 2 |
| *VII.* | *Pleadings:* Preliminary draft of pleadings using office standard forms and referring to pleadings written by attorneys on similar cases | 2 | 3 | 3 |
| *VIII.* | *Expert Analysis:* Render expert opinions to attorneys: | | | |
| | 1. taxation | 2 | 3 | 3 |
| | 2. accounting | 2 | 3 | 3 |
| | 3. statistics | 2 | 3 | 3 |
| | 4. economics (e.g., calculation of damages) | 2 | 3 | 3 |

## MOTOR VEHICLE LAW

| | Fr. | Sk. | Su. |
|---|---|---|---|
| *I. Problem Identification* | | | |
| A. Client receives a notice of license suspension or revocation..... | 2 | 1 | 1 |
| B. Client is having difficulty obtaining license or registration certificates... | 2 | 1 | 1 |
| *II. Investigation* | | | |
| A. Assist the client in gathering necessary records (e.g., birth certificate)..... | 2 | 2 | 1 |
| B. Interview parties involved (e.g., the policeman who gave the client the ticket which led to the suspension proceeding)..... | 2 | 3 | 2 |
| *III. Informal Advocacy* | | | |
| A. Contact dept. of motor vehicles and make a special plea that the client should be allowed to drive pending the suspension proceeding (e.g., because the car is needed for employment purposes)..... | 2 | 2 | 1 |
| B. Contact dept. of motor vehicles to ask for a quicker review of the suspension charge than would otherwise occur..... | 2 | 2 | 1 |
| C. Determine whether the underlying disputes cannot be resolved informally..... | 2 | 3 | 2 |
| *IV. Formal Advocacy* | | | |
| Assist the client in the preparation of his case before the hearing officer in the suspension/revocation proceeding..... | 2 | 3 | 2 |

## *MOTOR VEHICLE LAW*

| | | Fr. | Sk. | Su. |
|---|---|---|---|---|
| *I.* | *Problem Identification* | | | |
| | A. Client receives a notice of license suspension or revocation..... | 2 | 1 | 1 |
| | B. Client is having difficulty obtaining license or registration certificates... | 2 | 1 | 1 |
| *II.* | *Investigation* | | | |
| | A. Assist the client in gathering necessary records (e.g., birth certificate)..... | 2 | 2 | 1 |
| | B. Interview parties involved (e.g., the policeman who gave the client the ticket which led to the suspension proceeding)..... | 2 | 3 | 2 |
| *III.* | *Informal Advocacy* | | | |
| | A. Contact dept. of motor vehicles and make a special plea that the client should be allowed to drive pending the suspension proceeding (e.g., because the car is needed for employment purposes)..... | 2 | 2 | 1 |
| | B. Contact dept. of motor vehicles to ask for a quicker review of the suspension charge than would otherwise occur..... | 2 | 2 | 1 |
| | C. Determine whether the underlying disputes cannot be resolved informally..... | 2 | 3 | 2 |
| *IV.* | *Formal Advocacy* | | | |
| | Assist the client in the preparation of his case before the hearing officer in the suspension/revocation proceeding..... | 2 | 3 | 2 |

| *PETROLEUM LAND LAW** | Fr. | Sk. | Su |
|---|---|---|---|
| A. Collect and analyze data pertaining to land ownership and activities which may affect the procurement of rights to explore, drill for and produce oil and/or gas..... | 3 | 3 | 2 |
| B. Acquire leases and other operating rights from property owners for exploration, drilling and producing oil, gas and related substances..... | 3 | 3 | 2 |
| C. Monitor the execution of the leases and other operating agreements by insuring that contract obligations are fulfilled (e.g., payment of rent)..... | 3 | 2 | 2 |
| D. Negotiate agreements with individuals, companies and government agencies pertaining to the exploration, drilling and production of oil or gas..... | 2 | 3 | 2 |
| E. Acquire oil and gas producing properties, royalties and mineral interests..... | 2 | 3 | 2 |
| F. Process and monitor the termination of leases and other agreements..... | 3 | 3 | 2 |
| G. Examine land titles..... | 3 | 3 | 2 |

*See also section 21 *infra* on Real Estate Law.

## *POST-CONVICTION REMEDIES AND CORRECTIONS LAW*

| | Fr. | Sk. | Su. |
|---|---|---|---|
| *I. Problem Identification* | | | |
| A. Inmate wants to appeal conviction directly | 3 | 3 | 1 |
| B. Inmate wants to attack conviction collaterally (via coram nobis, habeas corpus, etc.) | 3 | 3 | 1 |
| C. Inmate wants to challenge a decision of the parole board | 3 | 3 | 1 |
| D. Inmate wants to challenge a decision of the prison staff, e.g., denial of the right to subscribe to a particular journal | 3 | 3 | 1 |
| E. Inmate wants to have help in preparing his parole board case | 1 | 3 | 1 |
| F. Inmate wants help in preparing his case before the disciplinary committee | 2 | 3 | 1 |
| G. Inmate wants help in preparing his administrative appeal of the decision of the disciplinary committee | 1 | 3 | 1 |
| H. Inmate feels that staff has improperly calculated the time he must serve because of: | | | |
| a. a failure to give the inmate credit for time served while waiting trial | 2 | 3 | 1 |
| b. a failure to give the inmate credit for good-time earned | 2 | 3 | 1 |
| c. a misreading of the court's sentence | 2 | 3 | 1 |
| *II. Writ-Writing, Administrative Complaint Writing* | | | |
| A. Inmate helps other inmate draft writ by studying other cases and by doing research in the prison law library and in the inmate's own personal law "library" | 3 | 3 | 1 |
| a. to obtain appointment of counsel | 3 | 3 | 1 |
| b. to obtain an evidentiary hearing | 3 | 3 | 1 |
| c. to obtain a free copy of court records, e.g., trial minutes (via *in forma pauperis* petition) | 3 | 3 | 1 |
| d. to obtain "good time" credit that the inmate-client claims is his due | 3 | 3 | 1 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| B. Inmate helps other inmate draft a written complaint | | | |
| a. addressed to parole board complaining about a parole decision.... | 2 | 3 | 1 |
| b. addressed to prison staff complaining about a prison decision e.g., to discontinue library hours, to transfer an inmate's job assignment..... | 2 | 3 | 1 |
| III. *Record Gathering:* assist the inmate in obtaining court papers in the hands of attorneys, DAs, court clerks, etc. (e.g., copy of the judgment, indictment, trial minutes, despositions, correspondence, etc.)..... | 3 | 2 | 1 |
| IV. *Representation* | | | |
| A. One inmate "represents" another at a disciplinary hearing..... | .5 | 3 | - |
| B. One inmate "represents" another at a parole board hearing..... (a staff member may also "represent" the inmate at both kinds of hearings) | .5 | 3 | - |
| V. *Librarian:* Act as clerk-librarian for the prison law library, (keep the texts up to date with new additions, etc.)..... | 3 | 1 | 1 |
| VI. *Mediation:* Act as go-between in disputes involving staff and inmate: | | | |
| A. Inmate as mediator..... | 1 | 3 | 1 |
| B. Staff member as mediator..... | 3 | 3 | 1 |

| *REAL ESTATE LAW** | Fr. | Sk. | Su. |
|---|---|---|---|
| A. Interviewing: Obtain and record basic information from the client on the real estate transaction contemplated (usually after the lawyer has spoken to the client), e.g., for a real estate sale, the paralegal, using a checklist, asks the client the names and addresses of present mortgage holders, the date of original purchase the capital improvements made on the structure, etc..... | 2 | 2 | 2 |
| B. Title Work | | | |
| 1. Conduct a title search in the records office..... | 1 | 3 | 3 |
| 2. Prepare a preliminary abstract of title for attorney who will then write the opinion on the title..... | 1.5 | 3 | 3 |
| 3. Arrange for the purchase of title insurance..... | 3 | 2 | 2 |
| C. Mortgage Work | | | |
| 1. Assist an office client in obtaining mortgage financing..... | 3 | 2 | 1 |
| 2. Review mortgage applications for office clients that sell mortgages (mortgage reviewing). | 2 | 3 | 3 |
| 3. Assist in the recording of mortgages..... | 3 | 1 | 1 |
| D. Taxation | | | |
| 1. Assemble tax receipts..... | 3 | 1 | 1 |
| 2. Allocate property taxes for closing..... | 2 | 3 | 2 |
| 3. Record capital gain or loss in client's file for later preparation of client's income tax return..... | 2 | 2 | 2 |
| 4. Keep abreast of latest tax law through loose-leaf services and bring such developments to the attention of the office attorneys..... | 3 | 3 | 3 |
| E. Drafting | | | |
| 1. Preliminary abstract of title..... | 2 | 3 | 3 |
| 2. Preliminary opinion on title..... | 1 | 3 | 3 |
| 3. Property tax returns..... | 2 | 3 | 3 |

*See also section 19 *supra* on Petroleum Land Law and section 15 *supra* on Landlord-Tenant Law.

| | Fr. | Sx. | Su. |
|---|---|---|---|
| 4. Preliminary draft of purchase and sale agreement..... | 1 | 3 | 3 |
| F. Closing | | | |
| 1. Arrange for closing date..... | 3 | 2 | 2 |
| 2. Notify all parties involved in closing..... | 3 | 1 | 1 |
| 3. Record minutes of closing..... | 2 | 2 | 3 |
| 4. Be general aide to attorney at closing..... | 3 | 2 | 2 |
| 5. Notarize documents at closing..... | 3 | 1 | 1 |
| G. Liability Insurance | | | |
| 1. Assist the client in obtaining liability insurance (e.g., homeowners policy)..... | 3 | 1 | 1 |
| 2. Coordinate the office's handling of insurance claims of the client..... | 1 | 3 | 3 |
| H. Litigation | | | |
| 1. Legal research: shepardizing cases.. | 1 | 2 | 2 |
| 2. Legal research: brief writing..... | .5 | 3 | 3 |
| 3. Factual research, e.g., compile a list of the number of commercial mortgages a bank client issues in a certain year..... | 1 | 3 | 3 |
| 4. Legislative history: check on the past and present history of certain legislation dealing with real estate law..... | 1.5 | 3 | 3 |
| 5. Draft preliminary answers to written interrogatories..... | 1 | 3 | 3 |
| 6. Draft preliminary written interrogatories to be addressed to attorney of the other side.. | 1 | 3 | 3 |
| 7. Read trial depositions; summarize them; point out common themes, point out inconsistencies..... | 1.5 | 3 | 3 |
| I. Office Management | | | |
| 1. Maintain office "tickler" system.... | 2 | 2 | 2 |
| 2. Maintain individual attorney's calendar..... | 3 | 1 | 1 |
| 3. Be in charge of the entire client's file (opening it, keeping it up to date, knowing where parts of it are at all times).. | 3 | 2 | 1 |
| 4. Training other office staff in the office system of handling real estate transactions..... | 2 | 3 | 3 |

| TAX LAW | Fr. | Sk. | Su. |
|---|---|---|---|
| *I. Record Keeping* | | | |
| Maintain records during the year that will become the data for the following returns: | | | |
| 1. Corporate income tax | 3 | 3 | 2 |
| 2. Franchise tax | 2 | 3 | 2 |
| 3. Individual income tax | 1 | 3 | 2 |
| 4. Partnership income tax | 3 | 3 | 2 |
| 5. Estate tax | 3 | 3 | 2 |
| 6. Gift tax | 3 | 3 | 2 |
| *II. Drafting* | | | |
| A. The returns (see above listing) | 3 | 3 | 2 |
| B. Supporting documents of the returns | 3 | 3 | 2 |
| C. Submit opinion to attorney on valuation of assets | 1 | 3 | 2 |
| *III. Librarianship* | | | |
| A. Maintain the tax law library | 3 | 2 | 2 |
| B. Keep up to date on developments in the law of taxation through loose-leaf services and bring such developments to the attention of office attorneys | 2 | 2 | 1 |
| *IV. Supervision* | | | |
| A. Supervise other non-lawyer staff within tax department of law firm | 2 | 3 | 2 |
| B. Train such non-lawyer staff in the firm's system of handling tax cases | 2 | 3 | 3 |

| *TRIBAL COURTS** | Fr. | Sk. | Su. |
|---|---|---|---|
| *I. Trial* | | | |
| A. Civil Cases | | | |
| 1. Draft and file complaint..... | 3 | 2 | 1 |
| 2. Draft and file answer to complaint.. | 3 | 2 | 1 |
| a. Raising defenses..... | 2 | 2 | 1 |
| b. Raising counterclaims..... | 2 | 2 | 1 |
| 3. Conduct the trial | | | |
| a. Jury selection..... | 2 | 2 | 1 |
| b. Present evidence..... | 3 | 3 | 1 |
| c. Examine witnesses (direct and cross)..... | 3 | 3 | 1 |
| d. Arguments on damages (e.g., hospital bills)..... | 3 | 2 | 1 |
| B. Criminal Cases | | | |
| 1. Draft and file complaint..... | 3 | 2 | 1 |
| 2. Draft and file answer to complaint (e.g., raising defenses)..... | 3 | 3 | 1 |
| 3. Conduct the trial | | | |
| a. Jury selection..... | 2 | 2 | 1 |
| b. Present evidence..... | 3 | 3 | 1 |
| c. Examine witnesses (direct and cross)..... | 3 | 3 | 1 |
| d. Arguments on sentencing..... | 3 | 2 | 1 |
| *II. Appeal* | | | |
| A. Present written arguments to Court of Appeals..... | 2 | 3 | 1 |
| B. Make oral arguments to Court of Appeals..... | 2 | 3 | 1 |

*Tribal Courts exist on Indian reservations and have jurisdiction of most civil and criminal cases where both parties are Indian. Parties are represented by Tribal Court Advocates who are non-lawyer Indians.

| *TRUSTS AND ESTATES LAW* | Fr. | Sk. | Su. |
|---|---|---|---|
| *I. Estate Planning* | | | |
| 1. Collection of data (birth dates, fair market value of assets, current assets and liabilities, etc.) | 3 | 2 | 2 |
| 2. Preliminary drafting of wills from sample forms | 1 | 3 | 3 |
| 3. Investment analysis: advise attorney who is fiduciary of estate on investments | 2 | 2 | 3 |
| *II. Office Management* | | | |
| 1. Maintain "tickler" system | 2 | 3 | 2 |
| 2. Maintain individual attorney calendar | 3 | 2 | 1 |
| 3. Open, index, monitor, keep up to date all components of the client's trust and estate office file | 3 | 2 | 2 |
| 4. Operate computer in connection with accounting aspects of trusts and estates administered by the office | 1 | 3 | 3 |
| 5. Act as office law librarian (keeping loose leaf texts up to date, etc.) | 3 | 2 | 1 |
| 6. Train other office staff in the way in which the office handles trusts and estate clients | 1 | 3 | 3 |
| 7. Selectively discard certain mail and underline significant parts of other mail | 2 | 2 | 2 |
| *III. Decedent's Estates* | | | |
| A. Assets Phase | | | |
| 1. Collect assets (e.g., bank accounts, custody accounts, insurance proceeds, social security death benefits, safety deposit box openings, apartment openings, etc.) | 3 | 2 | 2 |
| 2. Assist in the valuation of assets | 1 | 3 | 3 |
| 3. Maintaining records (e.g., recording and filing of wills and trust, vault inventory, powers of attorney, property settlements, fee cards, bill payment letters, etc.) | 2 | 2 | 2 |
| 4. Notification of beneficiaries | 2 | 1 | 1 |
| 5. Prepare profiles of wills and trusts for attorney review | 1 | 3 | 3 |
| B. Accounting Phase | | | |
| 1. Preliminary draft of federal and state death returns | 2 | 3 | 2 |
| 2. Apply the income-principal rules to the estates | 2 | 3 | 3 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| 3. Advise attorneys on the tax implications of estates..... | 2 | 3 | 3 |
| 4. Prepare accountings (final and accounts current)..... (this involves setting up a petition for a first and final accounting) | 2 | 3 | 3 |
| C. Termination-Distribution Phase | | | |
| 1. Apply for the transfer of securities into the names of the people entitled..... | 2 | 2 | 2 |
| 2. Draw checks for the signature of executors..... | 2 | 1 | 3 |
| 3. Monitor legacies to charitable clients..... | 1 | 3 | 3 |
| 4. File and prepare tax waivers..... | 2 | 3 | 2 |
| 5. Assist in the closing documents..... | 2 | 3 | 3 |
| 6. Calculate distributable net income..... | 2 | 3 | 3 |
| 7. Follow-up action on collection and delivery..... | 2 | 3 | 3 |
| *IV. Litigation* | | | |
| 1. Legal research: shepardizing and cite checking..... | 1 | 3 | 2 |
| 2. Legal research: brief writing..... | .5 | 3 | 3 |
| 3. Factual research (investigation) e.g., track down and contact the names and addresses of all possible claimants.... | 2 | 2 | 2 |
| 4. General litigation assistant..... | 2 | 2 | 2 |
| 5. Prepare sample pleadings..... | 1 | 3 | 3 |
| 6. Digest depositions (review, condense, point out inconsistencies, etc.)..... | 2 | 3 | 3 |
| 7. Prepare drafts of interrogatories..... | 1 | 3 | 3 |
| 8. Prepare drafts of answers to interrogatories..... | 1 | 3 | 3 |
| 9. Notarize documents..... | 3 | 1 | 1 |
| 10. Act as court witness (e.g., as to decedent's signature..... | 1 | 2 | 3 |

| *UNEMPLOYMENT INSURANCE LAW* | Fr. | Sk. | Su. |
|---|---|---|---|
| *I. Problem Identification* | | | |
| A. Preliminary Interview | | | |
| 1. Determine eligibility for free legal services | 3 | 1 | 1 |
| 2. Identify non-legal problems for referral to other agencies | 3 | 1 | 1 |
| 3. Identify legal problems not involving unemployment insurance for referral to others in the office (if paralegal is handling only unemployment insurance cases that day) | 2 | 1 | 1 |
| 4. Open a case file or update it | 3 | 1 | 1 |
| 5. Using a basic fact sheet (or form), record the information collected during the interview | 3 | 2 | 1 |
| 6. Determine next appointment | 3 | 1 | 1 |
| 7. Instruct client on what she needs to do next, e.g., obtain pay stub records, etc. | 3 | 1 | 1 |
| 8. Arrange for client to see office attorney | 2 | 1 | 2 |
| B. Unemployment Insurance Probelms | | | |
| 1. Client does not understand UI procedures | 3 | 1 | 1 |
| 2. Client disagrees with decision made by UI agency line staff | 3 | 1 | 1 |
| 3. Client disagrees with decision made by UI Hearing Examiner | 2 | 1 | 1 |
| 4. Client objects to a policy of the UI agency | 2 | 1 | 1 |
| *II. Problem Resolution* | | | |
| A. Consult with lawyer immediately (lawyer and paralegal will have determined in advance what UI cases go directly to office attorneys) | | | |
| 1. Summarize facts for lawyer | 2 | 1.5 | - |
| 2. Submit case file to attorney | 2 | 1 | - |
| 3. Obtain further instructions from attorney | 3 | 2 | - |
| B. Referral of Nonlegal Problems to Other Agencies | | | |
| 1. Give name and address of agency to client | 3 | 1 | 1 |
| 2. Search for appropriate agency | 2 | 2 | 1 |
| 3. Contact agency for client (e.g., call in advance of the client's coming, etc.) | 2 | 1 | 1 |
| 4. Take client to agency | 1 | 1 | 1 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| C. Investigation | | | |
| 1. Determine exact employment dates.... | 3 | 1 | 1 |
| 2. Interview witnesses as to the "cause" for the termination from employment..... | 3 | 3 | 2 |
| 3. Solicit affidavits from employers with whom client has tried to obtain employment since the termination..... | 1 | 3 | 3 |
| 4. Determine how long the client has received UI benefits..... | 3 | 2 | 1 |
| D. Time Determinations | | | |
| 1. Determine whether the client has time to contest the UI action..... | 3 | 2 | 2 |
| 2. Determine how much time the client has left to receive UI benefits | 3 | 2 | 1 |
| 3. Determine whether the client has time to appeal a UI action in court, or whether the client has defaulted in an action brought by the UI agency against the client in court..... | 2 | 2 | 3 |
| E. Informal Advocacy: Contact (call, visit, write a letter) the parties involved in the dispute (employer, UI representative, etc.) to determine whether the dispute can be resolved without a formal hearing or court action..... | 3 | 3 | 2 |
| F. Formal Advocacy: Represent the client before a UI Hearing Examiner..... | 2 | 3 | 1 |
| G. Client Counselling: Making sure the client is aware of other income sources, (e.g. welfare,) pending the determination of the UI claim; assisting the client in registering for and pursuing services available at state employment agencies, assisting the client in obtaining job testing and counselling if he desires it, etc..... | 2 | 2 | 1 |
| H. Lobbying: testifying and presenting petitions before legislative and administrative hearings concerning UI policy..... | 1 | 3 | 3 |
| I. Community Education | | | |
| 1. Writing pamphlets on UI law..... | .5 | 3 | 3 |
| 2. Speaking to community groups on UI policies and law..... | .5 | 3 | 3 |

| WELFARE LAW | Fr. | Sk. | Su. |
|---|---|---|---|
| *I. Problem Identification* | | | |
| A. Preliminary Interview | | | |
| 1. Determine eligibility for free legal services | 3 | 1 | 1 |
| 2. Identify non-legal problems for referral to other agencies | 3 | 1 | 1 |
| 3. Identify legal problems not involving welfare for referral to others in the office (if paralegal is handling only welfare cases that day) | 2 | 1 | 1 |
| 4. Open a case file or update it | 3 | 1 | 1 |
| 5. Using a basic fact sheet (or form), record the information collected during the interview. | 3 | 2 | 1 |
| 6. Determine next appointment | 3 | 1 | 1 |
| 7. Instruct client on what she needs to do next, e.g., obtain medical and birth records, etc. | 3 | 1 | 1 |
| 8. Arrange for client to see office attorney | 2 | 1 | 2 |
| B. Welfare Problems | | | |
| 1. Client does not know what benefits exist in the following programs: | | | |
| a. Welfare | 3 | 1 | 1 |
| b. Social Security | 3 | 1 | 1 |
| c. Medicare | 3 | 1 | 1 |
| 2. Client does not know what benefits she is entitled to in the above programs | 3 | 1 | 1 |
| 3. Client needs help in filling out application forms | 2 | 1 | 1 |
| 4. Client objects to the kind of questions the welfare department is asking her (confidentiality) | 2 | 1 | 1 |
| 5. Client objects to home visits by caseworkers | 2 | 1 | 1 |
| 6. Client objects to attempt by welfare department to force her to take a job or enter a training program | 2 | 1 | 1 |
| 7. Welfare department wants to reduce the amount of client's welfare check | 3 | 1 | 1 |
| 8. Welfare department wants to terminate public assistance altogether | 3 | 1 | 1 |

| II. *Problem Resolution* | Fr. | Sk. | Su. |
|---|---|---|---|
| A. Consult with Lawyer Immediately (supervising lawyer and paralegal will have determined in advance what cases/problems in welfare law go directly to the attorney) | | | |
| 1. Summarize facts for the lawyer..... | 2 | 1.5 | - |
| 2. Submit the case record to the lawyer..... | 2 | 1 | - |
| 3. Obtain further instructions from lawyer..... | 3 | 2 | - |
| B. Referral of Non-Legal Problems to Other Agencies | | | |
| 1. Give name and address of agency to client..... | 3 | 1 | 1 |
| 2. Search for an appropriate agency.... | 2 | 2 | 1 |
| 3. Contact agency for the client..... | 2 | 1 | 1 |
| 4. Take client to agency..... | 1 | 1 | 1 |
| C. Investigation | | | |
| 1. Verify information (e.g., call caseworker, visit welfare office)..... | 3 | 2 | 1 |
| 2. Search for additional information (e.g., call caseworker, visit welfare office)..... | 3 | 2 | 1 |
| 3. Record relevant facts..... | 3 | 2 | 1 |
| 4. Consult with attorney on difficulties encountered..... | 2 | 2 | 2 |
| D. Law Analysis | | | |
| 1. Paralegal checks his own welfare law manual..... | 3 | 2 | 2 |
| 2. Consults with office attorneys..... | 3 | 2 | - |
| 3. Contacts legal service attorneys outside office..... | 1.5 | 2 | 2 |
| 4. Does research in law library..... | .5 | 3 | 3 |
| E. Informal Advocacy (to determine if the problem can be resolved without hearing or court) | | | |
| 1. Make sure everyone (welfare dept., client, etc.) understands the issue..... | 3 | 2 | 1 |
| 2. Provide missing information..... | 3 | 2 | 1 |
| 3. Pressure the welfare dept. (calls, letters, visits, etc.)..... | 3 | 3 | 1 |
| 4. Insist on reasonableness: | | | |
| a. from welfare dept..... | 2 | 3 | 2 |
| b. from client (e.g., where appropriate, the client may be advised to lower her demands).. | 1 | 3 | 3 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| 5. Record keeping (e.g., close files).. | 3 | 1 | 1 |
| 6. Determine when informal advocacy will take too much time or won't work..... | 2 | 3 | 2 |
| F. Formal Advocacy | | | |
| 1. Prior Hearing (Administrative Review) | | | |
| a. Determine if such hearing can be asked for and when request must be made..... | 3 | 2 | 1 |
| b. Draft letter requesting such hearing..... | 3 | 2 | 1 |
| c. Prepare for hearing (see "Fair Hearing" below)..... | 3 | 3 | 2 |
| d. Conduct hearing (see "Fair Hearing" below)..... | 2 | 3 | 1 |
| e. Follow-up (see "Fair Hearing" below)..... | 2 | 2 | 2 |
| 2. Fair Hearing | | | |
| a. Determine if such hearing can be asked for and when request must be made..... | 3 | 2 | 1 |
| b. Draft letter requesting such hearing..... | 2 | 2 | 2 |
| c. Prepare for hearing: | 3 | 3 | 2 |
| 1. In advance of hearing, request that welfare dept. send paralegal the documents they will rely on at the hearing..... | 2 | 2 | 2 |
| 2. In advance of hearing, make sure that everyone (dept., client, is going to the hearing on the same issues..... | 3 | 2 | 2 |
| 3. Collect other documents the paralegal will use (e.g., cancelled check stubs)..... | 3 | 2 | 1 |
| 4. Find witnesses (other than client)..... | 2 | 2.5 | 2 |
| 5. Prepare all witnesses (e.g., explain what hearing will be about; conduct a brief role-playing experience to acquaint them with the format and what the paralegal will be seeking from witnesses)..... | 3 | 3 | 2 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| 6. Map out a preliminary strategy that he will use in conducting the hearing hearing..... | 2 | 3 | 2 |
| 7. Make a final attempt to resolve the issues without a hearing (see above, "informal advocacy")..... | 2 | 3 | 2 |
| 8. Make sure client and other witnesses will appear (e.g., give address of the hearing, take them to the hearing on the date of the hearing)..... | 3 | 1 | 1 |
| d. Conduct the hearing | | | |
| 1. Make sure he knows the name, address and title of everyone present..... | 3 | 1 | 1 |
| 2. Makes opening statement summarizing his case..... | 3 | 2 | 1 |
| 3. Asks for a postponement if the client has not appeared or if an emergency has arisen requiring more time to prepare..... | 2 | 2 | 1 |
| 4. Clearly state what relief the client is seeking from the hearing..... | 2 | 2 | 1 |
| 5. Make sure everyone (referee, welfare dept., client) is prepared to deal with the same issues..... | 2 | 2 | 1 |
| 6. If confusion exists on the issues, the paralegal fights for a statement of the issues most favorable to client | 2 | 3 | 1 |
| 7. Takes notes on the opening statement of welfare dept..... | 2 | 3 | 1 |
| 8. Complains if welfare dept. failed to provide sufficient information in advance of the hearing..... | 2 | 3 | 1 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| 9. Presents the client's case | | | |
| a. submits documents.... | 3 | 2 | 1 |
| b. conducts direct examination of own witnesses... | 3 | 3 | 1 |
| c. conducts re-direct examination of own witnesses (if allowed).... | 1 | 3 | 1 |
| d. cites the law..... | 2 | 3 | 1 |
| 10. Rebuts case of welfare dept. | | | |
| a. objects to their documents..... | 1 | 3 | 1 |
| b. objects to their use of jargon..... | 1 | 3 | 1 |
| c. objects to their use of the law..... | 1 | 3 | 1 |
| d. cross examines their witnesses..... | 3 | 3 | 1 |
| e. re-cross examines their witnesses if allowed..... | 2 | 3 | 1 |
| 11. Makes a pitch for a postponement when appropriate..... | 2 | 3 | 1 |
| 12. Makes closing statement summarizing the case of the client and repeating what result the client is seeking..... | 2 | 3 | 1 |
| e. Follow-up | | | |
| 1. Pressuer the hearing officer to reach a result..... | 3 | 2 | 2 |
| 2. Request a copy of the transcript of the hearing..... | 2 | 1 | 1 |
| 3. When a result is reached, pressure the welfare dept. to abide by it it..... | 2 | 2 | 2 |
| 4. Consult with attorney to determine whether the hearing result needs to be appealed in court... | 2 | 2 | - |
| 3. Court | | | |
| 1. Make preliminary draft of the legal argument to be made on appeal..... | .5 | 3 | 3 |

| | Fr. | Sk. | Su. |
|---|---|---|---|
| 2. Assist the attorney in gathering the documents for appeal, interviewing the witnesses for appeal, etc..... | 2 | 2.5 | 3 |
| 3. Be a general assistant for the attorney at the court proceedings..... | 2 | 2 | - |
| 4. File papers in court..... | 3 | 1 | 1 |
| 5. Serve the papers..... | 3 | 1 | 1 |
| G. Miscellaneous | | | |
| A. Train other paralegals..... | 2 | 3 | 2 |
| B. Community organization around welfare issues..... | 2 | 2 | 2 |
| C. Write pamphlets on welfare law for distribution in the community.. | 1 | 3 | 3 |

## WORKMEN'S COMPENSATION LAW

| | | Fr. | Sk. | Su. |
|---|---|---|---|---|
| *I.* | *Interview* | | | |
| | A. Collect and record details of the claim (e.g., date of injury, nature and dates of prior illness, etc.)..... | 3 | 2 | 1 |
| | B. Collect, or arrange for the collection of, documents, e.g., medical records, employment contract, etc..... | 3 | 1 | 1 |
| | C. Schedule the physical examination..... | 3 | 1 | 1 |
| *II.* | *Drafting* | | | |
| | A. The claim for compensation..... | 2 | 3 | 2 |
| | B. The request for hearing..... | 2 | 2 | 2 |
| | C. The medical authorization..... | 2 | 1 | 1 |
| | D. The damand for medical information in the possession of respondent or insurance carrier..... | 3 | 2 | 1 |
| | E. The proposed summary of issues involved..... | 2 | 3 | 2 |
| *III.* | *Advocacy* | | | |
| | A. Informal: contact (call, visit, write a letter) the employer and/or the insurance carrier to determine whether the matter can be resolved without a formal hearing or court action..... | 3 | 3 | 2 |
| | B. Formal: representation of claimant at the administrative hearing..... | 1 | 3 | 3 |
| *IV.* | *Follow-up* | | | |
| | A. Determine whether the payment is in compliance with the award..... | 3 | 1 | 1 |
| | B. If the payment is not in compliance with the award, the drafting and filing of the statutory demand for payment for compensation..... | 2 | 2 | 2 |
| | C. If such a satutory demand is filed, a "tickler" system is prepared and monitored for the claim..... | 3 | 2 | 1 |

## THE PARAJUDGE

I. *Traditional Use of Non-Lawyer Judges*

A. Justice of the Peace Court

The non-lawyer judge normally has jurisdiction over minor misdemeanors (e.g., traffic cases) and over civil actions involving small damage claims.

B. Tribal Courts

For the kinds of cases heard by the Indian non-lawyer judge, see section 23 *supra* (describing such Courts from the perspective of the non-lawyer advocate).

C. Rabbinical Courts

The jurisdiction of such courts has been limited to cases involving religious issues, e.g., kosher food preparation and distribution.

II. *New Roles for Non-Lawyer Judges*

In the juvenile law area, a number of experimental programs have established community courts or community mediation centers where non-lawyer judges attempt to mediate disputes involving youngsters whose case has been diverted out of Juvenile or Family Court and referred to the community group.

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